

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL COMMITTEE

DATE: SEPTEMBER 6, 2006

COMMITTEE MEMBERS PRESENT:

Supervisors Gabriels
Kenny
Belden
Stec
Barody
F. Thomas
Haskell

OTHERS PRESENT:

Representing the United Way:
Doug Burch, Tri County United Way
David DeMarco, of Glens Falls
National Bank and Chairman of
the United Way Campaign
Joan Parsons, Commissioner of
Administrative & Fiscal Services
Paul Dusek, County Attorney
Joan Sady, Clerk, Board of Supervisors
Supervisors Caimano
Champagne
Geraghty
Richard Kelly, Personnel Officer
Sheriff Larry Cleveland
Maury Thompson, The Post Star
Amanda Allen, Legislative Office Specialist

Mr. Gabriels called the Personnel Committee meeting to order at 9:05 a.m.

Motion was made by Mr. Barody, seconded by Mr. Belden and carried unanimously to approve the minutes of the August 9, 2006 meeting, subject to correction by the Clerk.

Mr. Gabriels began the meeting with item number one of the agenda, which pertained to the Non-Profit or Not-for-Profit group solicitations and employee voluntary payroll deductions; he noted that the resolution was tabled at the August 18th Board meeting pending further review (a copy of the tabled resolution is attached). At Mr. Haskell's suggestion, this item would be discussed at the end of the meeting.

Proceeding with the agenda, Mr. Gabriels advised that items 2a and 2b were personnel changes referred from the Criminal Justice Committee. He explained that item 2a was a request to reclassify the position of Typist in the District Attorney's Office, base salary of \$22,259, and the deletion of a Part-time Typist position, base salary of \$10,000, thereby amending the Department's Table of Organization. Mr. Gabriels added that item 2b was a request to create new position of Part-time Crime Victim Specialist, base salary of \$21,750, effective October 1, 2006, also amending the Department's Table of Organization.

Mr. Barody questioned the addition of the new position and Joan Sady, Clerk, explained

that the position was created with the use of grant funds received from New York State. Mr. Kenny noted that if the grant funding were to end the position would end as well.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to approve items 2a and 2b as outlined above, adding the stipulation that if the grant monies which funded the position ceased, the position would be eliminated. The necessary resolutions were authorized for the September Board meeting.

Mr. Gabriels stated that items 3a and 3b of the agenda were requests to fill vacant positions referred from the County Facilities Committee. Item 3a, he said, was a request to fill the vacant position of Building Maintenance Worker #6, at a base salary of \$28,831, due to retirement. He advised that item 3b was a request to fill the vacant position of Janitor #3, base salary of \$23,296 plus 5% shift differential, due to promotion.

Motion was made by Mr. Haskell, seconded by Mr. Barody and carried unanimously to approve both items 3a and 3b as outlined above. Copies of the Notice of Intent to Fill Vacancy forms are on file with the minutes.

Item 4a, 4b and 4c were referrals from the Health Services Committee, Mr. Gabriels apprised. He explained that item 4a was a request to reclassify the Grade 4 position of Senior Clerk which required 30 hours/week at a base salary of \$18,258, and delete the Grade 4 position of Senior Clerk requiring 20 hours/week at a base salary of \$12,172, thereby amending the Department's Table of Organization.

Motion was made by Mr. Barody, seconded by Mr. F. Thomas and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the September Board meeting. A copy of the request is on file with the minutes.

Mr. Gabriels stated that item 4b was a request to amend the salaries of the per diem nurses to bring them in line with position grades and salary re-allocations that were to become effective September 1, 2006. Mr. Belden questioned the increase and Mr. Barody explained that the increase was simply to match the salaries of the per diem nurses to those of the nurses working on an in-house basis. Ms. Sady added that the resolution was required because the per diem nurse positions were not included in the initial reallocation.

Motion was made by Mr. Haskell, seconded by Mr. Barody and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the September Board meeting.

Returning to the agenda, Mr. Gabriels advised that item 4c was a request to fill vacant Grade 19 position of Full Time Registered Nurse in the Long Term Home Health Care Program, with a base salary of \$37,742, vacated due to resignation.

Motion was made by Mr. Barody, seconded by Mr. F. Thomas and carried unanimously to approve the request as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Gabriels advised that items 5a and 5b were requests to fill vacant positions referred by the Sheriff and Communications Committee. He said that 5a was a request to fill the vacant position of Correction Officer, (Employee No. 10735), with a base salary of \$29,050, due to resignation. Mr. Gabriels added that 5b was a request to fill the vacant position of a Patrol Officer, (Employee No. 7073), with a base salary of \$29,000, due to retirement.

Motion was made by Mr. Haskell, seconded by Mr. Belden and carried unanimously to approve items 5a and 5b as outlined above. Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.

Items 6a and 6b of the agenda were referrals from the Support Services Committee, Mr. Gabriels stated. He advised that Item 6a was derived from the Purchasing Department and requested the deletion of the Second Deputy Purchasing Agent position, thereby amending the Department's Table of Organization. Mr. Caimano noted that the deletion of the position was a sure sign that the Department was working well with the current staffing.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the September Board meeting. A copy of the resolution request is on file with the minutes.

Mr. Gabriels proceeded to item 6b of the agenda, which he said was a request from the County Auditor to create the position of Deputy County Auditor, and appoint Employee No. 10893 to fulfill the duties, when needed, at no additional cost to the County. Richard Kelly, Personnel Officer, addressed the Committee and advised that, if approved, the request would designate an employee to act on behalf of the Auditor, in her absence. He noted that the position would remain within the bargaining unit although a Deputy Department Head position was generally not included.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the September Board meeting. A copy of the resolution request is on file with the minutes.

Item 7 of the agenda was a request from the Tourism Committee, Mr. Gabriels apprised, to reclassify the Grade 7 position of Senior Account Clerk at a base salary of \$30,806, to the Grade 10 position of Principal Account Clerk, with a base salary of \$34,152, thereby amending the Department's Table of Organization. Mr. Caimano stated that the funds

were available in the budget, and Ms. Beattie's workload had increased. Mr. Barody asked what portion of the workload had increased and Mr. Caimano replied that the the Tourism Department was handling the billing from Paul Kaza Associates. Mr. Champagne said that it was his understanding that at the end of the year the services provided by Paul Kaza Associates were going to be reviewed to determine what services would be provided next year; he added that it may be too early to make the change as the workload could lessen. Ms. Sady explained that the position in question was also responsible for all of the Occupancy Tax contracts and funding requests. Mr. Barody suggested that the motion be tabled until the Committee Chairman could explain the need for the change.

Motion was made by Mr. Barody, seconded by Mr. Haskell to table Item 7 pending discussion with the Committee Chairman; however the motion to table the request was defeated.

Motion was made by Mr. Belden, seconded by Mr. F. Thomas and carried to approve the request as outlined above; Mr. Barody and Mr. Haskell opposed the motion. The necessary resolution was authorized for the September Board meeting and a copy of the resolution request form is on file with the minutes.

Continuing to item 8 of the agenda, Mr. Gabriels stated that both items 8a and 8b were requests to reclassify positions referred by the Westmount Health Facility and Countryside Adult Home Committee. He said that 8a was a request to reclassify the Grade 2 position of Food Service Helper #4 (Employee No. 7448), with a base salary of \$21,467, to the Grade 3 position of an Institutional Aide, with a base salary of \$22,259, thereby amending the Department's Table of Organization. Item 8b, he noted, requested the reclassification of the Grade 2 Van Driver position (Employee No. 9766), with a base salary of \$21,467, to the Grade 3 position of an Institutional Aide, with a base salary of \$22,259, also amending the Department's Table of Organization. Mr. Haskell noted that the funds were in the budget for both changes.

Motion was made by Mr. Haskell, seconded by Mr. Barody and carried unanimously to approve items 8a and 8b as outlined above and the necessary resolutions were authorized for the September Board meeting. Copies of the resolution requests are on file with the minutes.

Mr. Gabriels advised that the final items of the agenda, 9a and 9b, were requests made by Paul Dusek, County Attorney to address the committee with respect to two separate issues. Privilege of the floor was extended to Mr. Dusek who explained that item 9a pertained to the status of the EAP (Employee Assistance Program), RFP (Request for Proposal) and proposals. He reminded the Committee that a number of months ago he had put out an RFP for EAP services, but they were put on hold because there was a considerable review on the future of the Personnel and Human Resources offices. Mr. Dusek said he had recently received a call from one of the groups that had submitted a proposal asking when the Committee might start considering proposals and he asked the

Committee if they had any thoughts on the matter. Mr. Kenny said that the program could be very valuable to the County and Mr. Barody asked for an update on the proposals received. Mr. Dusek advised that of the proposals submitted he had selected three possibilities, which he had been prepared to review with the Committee; however they had decided to put the project on hold. Mr. Dusek advised that they could either resume the process or continue to hold the program until the Committee was ready to discuss the matter. Mr. Barody said that he felt the program should be pursued; however he wanted to review the impact of the program on the budget prior to making a decision. Mr. Haskell suggested that the issue be discussed at the October Personnel Committee meeting and Mr. Dusek advised that he would be ready to present the proposals at that time.

Moving to item 9b, Mr. Dusek advised that he wished to discuss the possibility of removing the Junior Accountant position from the bargaining unit. He suggested that the Committee enter into executive session to discuss the matter because it involved collective bargaining negotiations.

Mr. Gabriels advised that prior to the executive session, the Committee would return to the first item of the agenda which pertained to the Non-Profit or Not-for-Profit group solicitations and employee voluntary payroll deductions, as noted at the beginning of the meeting. Mr. Gabriels introduced Doug Burch, of the Tri-County United Way to discuss the issue.

Mr. Burch began by noting that David DeMarco, of the Glens Falls National Bank and Volunteer Chairman of the United Way Campaign, was also in attendance. Mr. Burch stated that the United Way had drafted a proposed resolution that would designate The United Way to manage a fund-raising campaign amongst Warren County employees. He added that they would administer an open designation campaign that would accept designations for not only The United Way but also for other agencies qualifying under the terms of the resolution. Mr. Gabriels noted that the resolution drafted by The United Way had been distributed by Mr. Burch at the beginning of the meeting, and advised that the resolution proposed by the Committee was included in the Agenda. A copy of the resolution proposed by The United Way is on file with the minutes.

Mr. DeMarco explained that in the past ten years The United Way had raised over \$1 million each year within the community, and those funds had been returned to eligibles within the area. He added that the same would be done with the funds received from Warren County employees.

Mr. DeMarco said that the resolution developed by the Committee would remove The United Way from the solicitation process by eliminating their access to County employees. He noted that the resolution The United Way had prepared would designate their organization to orchestrate the entire process, with the other charities in mind, and allow them to meet with County employees to discuss contributions to their organization.

Mr. Kenny stated that the Committee's resolution had been drafted to include language which was both fair to the employees and the organizations wishing to solicit donations. He said that although he understood The United Way's point of view, he was very hesitant to stray from the Committee's resolution. Mr. Haskell reminded the Committee that the portion of the resolution which had raised the most objections within the group had been the part limiting the number of available charities to five qualifying organizations to receive donations. Mr. Kenny replied that there had only been two organizations qualifying in the past and suggested that if there were more than five qualifying organizations available, the resolution could be amended.

Mr. Belden asked how much of the funds contributed were kept by The United Way for their use and Mr. Burch replied that approximately 20% was retained for their marketing, fund-raising and administrative activities. Mr. Burch added that in the past twelve years close to \$9 million had been returned to the needy residents of the area.

Mr. Kenny reiterated that in no way was he willing to pass a resolution restricting the contribution choices of the employees. Mr. Burch stated that the resolution drafted by The United Way did not restrict those choices, and noted that any qualifying charity could be listed on the pledge form. He advised that the resolution drafted by the Committee restricted The United Way's ability to meet with County employees in seeking donations. Mr. Burch said that in the past year they were given the opportunity to meet with County employees during the work day, up to one hour per year, to discuss contributions.

Mr. Barody said that he had no problems with The United Way program, but he agreed with Mr. Kenny that the employees should be allowed to donate to whatever charity they chose. He added that the solicitation should be done with the least possible disruption to the work day.

Mrs. Parsons advised that in anticipation of the discussion, she had sent an email to the County Administrators and Executives across the State to see how each respective Municipality had handled the issue in the past. She said that several of the responses she received were in support of The United Way but did not advocate payroll deductions for employee donations. Mrs. Parsons noted that in addition the majority of the responses stated that they did not allow their employees paid leave time for solicitation of donations. She said that flyers distributed with payroll checks was an alternative solicitation measure noted in some of the emails received.

Mr. Kenny stated that he thought the payroll deduction aspect of the donation process was very important to The United Way's existence and should be maintained. However, he stated, the employees should not be given paid leave to discuss the donations and he added that The United Way and other such organizations could function well with the resolution produced by the Committee. Mr. Belden said that he agreed with Mr. Kenny's statement.

General discussion ensued.

Motion was made by Mr. Kenny, seconded by Mr. Belden and carried unanimously to approve the resolution as written by the County Attorney's Office with respect to the Non-Profit or Not-for-Profit group solicitations and employee voluntary payroll deductions. The necessary resolution was authorized for the September Board meeting.

Mr. Gabriels advised that Mr. Dusek had one final item for discussion prior to the declaration of executive session. Mr. Dusek reminded the Committee that some time ago there had been discussion concerning the establishment of a separate appointed position for the head of the Department of Parks, Recreation and Railroad. He said that he had developed a proposed local law that set the Department of Parks, Recreation and Railroad up as its own department and in addition provided for the Director of Parks, Recreation and Railroad and the Superintendent of Public Works to have the authority to consolidate or combine functions that were common to both Departments. Mr. Dusek advised that the resolution approving the local law had been tabled and it was his understanding that at another meeting it was discussed whether or not there was an alternate way to proceed, leaving the Department of Parks, Recreation and Railroad under the DPW jurisdiction but allowing the Board to appoint the Department Head.

Mr. Dusek said that after researching the law in that regard, he discovered that there was no authority to change the structure under County law. All of the Departments were set up to allow the Department Head to make internal appointments, Mr. Dusek stated. He added that so long as the Departments remained as they were, only the DPW Department Head could make an appointment to head the Department of Parks, Recreation and Railroad. The only way for the Board to make the appointment would be for the local law to be established as he had originally suggested, Mr. Dusek advised.

It was the consensus of the Committee that the Departments would remain as they were.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried unanimously to leave the DPW and Parks, Recreation and Railroad department structure in place with no changes.

Mr. Bently entered the meeting at 9:40 a.m.

Mr. Gabriels advised that they would return to item 9b of the agenda and Mr. Dusek's request for an executive decision to discuss the classification of the position of a Junior Accountant and its being removed from the bargaining unit.

Motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously to declare executive session to discuss collective bargaining negotiations.

According to Section 105(e) of the Public Officers Law, executive session was declared from 9:43 a.m. to 9:52 a.m.

When the Committee reconvened, motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously to amend Resolution No. 388 of 2006, changing the position of Junior Accountant to a non-bargaining unit position with a base salary of \$40,000. The necessary resolution was authorized for the September Board meeting.

Mrs. Parsons stated that she had been approached by Mr. Burch after his presentation with respect to the authorization to prepare flyers that would be included with payroll checks for distribution to County employees. She said that Mr. Burch was concerned that the resolution approved earlier in the meeting did not specifically authorize the procedure and he wanted to be sure that The United Way would be allowed to forward solicitous materials for that purpose.

Mr. Tessier left the meeting at 9:53 a.m.

Mr. Kenny explained that when the resolution was developed the authorization was removed, but he said he did not anticipate any negative issues resulting from the distribution. Mr. Barody suggested that the flyers be made available when the employees picked up their paychecks for distribution if they were interested. Mr. Kenny noted that because of the way the paychecks were printed and packaged in self mailing envelopes, there was no way to include the flyer. Mrs. Parsons said that she thought making the flyers available for the employees to pick up with their paychecks was a good compromise.

As there was no further business to come before the Personnel Committee, on motion made by Mr. Barody and seconded by Mr. Belden, Mr. Gabriels adjourned the meeting at 9:55 a.m.

Respectfully Submitted,
Amanda Allen, Legislative Office Specialist